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EXAMINER

SCHMIDTMANN, BAHAR

ART UNIT

PAPER NUMBER

1623

NOTIFICATION DATE

DELIVERY MODE

06/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ADVISORY ACTION

This Office Action is in response to Applicant's proposed amendment and response after FINAL filed 11 June 2010.

3. Applicant's proposed amendment adding new limitations in the proposed amended claims 1 and 8-10, the independent claims, as well as new claim 11 present a new issue for search and consideration by the Examiner since the limitation of the claims and scope of claims have been changed and would thus require a new search and new rejections.

Therefore, the proposed amendment After Final will not be entered.

11.

Rejections Maintained

Claim Rejections - 35 USC § 103(a)

Applicant's arguments filed 11 June 2010, with respect to the rejection of claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over Lee and Ahn in view of Park, has been fully considered.

Applicant's arguments are directed towards the newly submitted amendment filed 11 June 2010, specifically towards the newly recited combination of limitations "wherein the weight ratio of ginsenoside F1:EGCG is in the range of 1:01-1:10" and "wherein said ginsenoside F1 and EGCG are incorporated in a combined amount of 0.0001% to 10% by weight based on the total weight of the composition".

As stated above, the new limitations in the proposed amended claims 1 and 8-10, the independent claims, and new claim 11 presents a new issue for search and consideration by the Examiner since the limitation of the claims and scope of claims have been changed and would thus require a new search and new rejections.

Because the proposed amendment after Final has not been entered, the rejection of pending claims 1-10 is hereby **maintained**.

Double Patenting

Applicant's arguments filed 11 June 2010, with respect to the rejection of claims 1-10 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the following patent applications has been fully considered.

- (1) Claims 7-10 of copending Application No. 12/135,663
- (2) Claims 6 and 7 of copending Application No. 10/586,973
- (3) Claims 1-13 of copending Application No. 12/064,887
- (4) Claims 15-21 of copending Application No. 11/443271

Applicant has requested that the provisional rejections be held in abeyance until patentable subject matter is identified. However, this request cannot be considered, especially in view that no patentable subject matter has yet been identified.

The obviousness double patenting rejections are hereby **maintained**.

The rejections of record in the Final Office Action dated 11 June 2010 are maintained, as indicated above, in the view of the proposed amendment After Final not entered and in view of Applicant's arguments not persuasive to overcome all rejections of record.

Conclusion

In view of the rejections to the pending claims set forth above, no claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. BAHAR SCHMIDTMANN whose telephone number is 571-270-1326. The examiner can normally be reached on Mon-Thurs 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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